

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER V. LUCAS,

Plaintiff,

No. CIV S-04-0586 GEB CMK P

vs.

B. ARNOLD, et al.,

Defendants.

ORDER

On October 28, 2005, plaintiff filed a "motion for extension of time, in which to prepare." That document was not served on defendants. Failure to effect proper service has been an ongoing problem for plaintiff.

Plaintiff is, once again, advised that every document submitted to the court for consideration must be served on defendants. Fed. R. Civ. P. 5. Plaintiff is required to serve all documents in this action conventionally in accordance with the relevant provisions of Fed. R. Civ. P. 5. See Local Rule 5-135(b). Since an attorney has filed a document with the court on behalf of defendants, documents submitted by plaintiff must be served on that attorney and not on the defendant. Fed. R. Civ. P. 5(b)(1). Conventional service is usually accomplished by mailing a copy of the document to the attorney's address of record. See Fed. R. Civ. P. 5(b)(2)(B). Plaintiff must include with every document filed in this action a certificate stating

1 the date an accurate copy of the document was mailed to defendants' attorney and the address to  
2 which it was mailed. See Local Rule 5-135(b) and (c). It is not sufficient to state, as plaintiff  
3 does in his latest filing, that service was effected on the U.S. District Court. Plaintiff must also  
4 mail a copy of whatever he has filed to defendants' counsel of record.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff's October 28, 2005 "motion for extension of time, in which to  
7 prepare" is stricken from the record and will not be considered; and

8 2. Plaintiff is ordered to properly serve any documents subsequently filed in this  
9 action on defendants' attorney of record. Plaintiff is warned that failure to comply with this  
10 order may result in the dismissal of this action. See Local Rule 11-110.

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12 DATED: November 2, 2005.

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15 **CRAIG M. KELLISON**  
16 UNITED STATES MAGISTRATE JUDGE  
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